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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/822,026
Applicant : Thomas J. Boyer
Filed : April 9, 2004
Title : HIDDEN HINGE FOR UTILITY VEHICLE BODY

Conf. No. : 1687
TC/A.U. : 3676
Examiner : Mark Williams

Customer No. : 000,116
Docket No. : 36566

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


To satisfy Applicant's duty of disclosure under 37 C.F.R. §1.56, enclosed is a courtesy copy of the Notification of Transmittal of the International Search Report and the Written Opinion of the International Searching Authority. The documents cited as relevant in these documents have already been cited in the Office Action dated November 30, 2004 for the above-identified application.

Respectfully submitted,

PEARNE & GORDON LLP

Date: July 8, 2005

By:


Paul A. Serbinowski, Reg. No. 34429

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
216/579-1700

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Jeanne P. Liptay
Name of Depositor


Signature of Depositor

July 11, 2005
Date

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
PAUL A. SERBINOWSKI
PEARNE & GORDON LLP
1801 EAST 9TH ST.
SUITE 1200
CLEVELAND, OH 44114-3108

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

RECEIVED

MAY 31 2005

PEARNE & GORDON LLP

Date of mailing (day/month/year)	27 MAY 2005
Applicant's or agent's file reference SSFC.36566WO	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US05/09192	International filing date (day/month/year) 18 March 2005 (18.03.2005)
Applicant STAHL/SCOTT FETZER COMPANY	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

D. Wildermuth
Kenneth J. Dorner

Telephone No. 571-272-3600

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference SSFC.36566WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US05/09192	International filing date (<i>day/month/year</i>) 18 March 2005 (18.03.2005)	(Earliest) Priority Date (<i>day/month/year</i>) 09 April 2004 (09.04.2004)
Applicant STAHL/SCOTT FETZER COMPANY		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐

With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 3



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/09192

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The abstract is too long (PCT Rule 8.1(b)). The abstract must be less than 150 words, or 200 words when no figure is to be published.

NEW ABSTRACT

An inventive hinge has the ability to be biased toward open and closed positions and/or is adapted to be hidden in door assemblies. The hinge includes a first bracket adapted to be mounted to a first workpiece. The first bracket comprises a generally tubular sleeve and opposed spaced-apart surfaces including first openings that are aligned with each other. A second bracket is adapted to be mounted to a second workpiece. The second bracket comprises opposed spaced-apart surfaces including second openings that are aligned with each other. The first bracket and the second bracket are oriented with respect to each other effective to align the first openings with the second openings. A hinge pin is received in the first and second openings effective to enable the first bracket to be pivotally movable relative to the second bracket. The tubular sleeve extends from the first bracket generally parallel with an axis of the hinge pin.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/09192

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : E05F 1/14
US CL : 16/280

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 16/280, 308, 333, 334, 262; 296/57.1

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 3,889,316 A (KOIKE) 17 June 1975 (17.06.1975), See Figure 5.	1-13
A	US 5,988,724 A (WOLDA) 23 November 1999 (23.11.1999).	
A	US 6,648,398 B2 (DUFFY) 18 November 2003 (18.11.2003).	

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search

13 May 2005 (13.05.2005)

Date of mailing of the international search report

27 MAY 2005

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Kenneth J. Dörner

Telephone No. 571-272-3600

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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1801 EAST 9TH ST.
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CLEVELAND, OH 44114-3108

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference SSFC.36566WO		Date of mailing (day/month/year) 27 MAY 2005
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/US05/09192	International filing date (day/month/year) 18 March 2005 (18.03.2005)	Priority date (day/month/year) 09 April 2004 (09.04.2004)
International Patent Classification (IPC) or both national classification and IPC IPC(7): E05F 1/14 and US Cl.: 16/280		
Applicant STAHL/SCOTT FETZER COMPANY		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

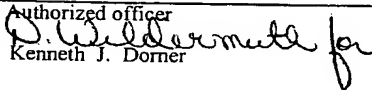
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Kenneth J. Dorner Telephone No. 571-272-3600
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Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/09192

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/09192

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-13</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-13</u>	NO
Industrial applicability (IA)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-13 lack novelty under PCT Article 33(2) as being anticipated by Koike (US 3,889,316).

A hinge biased toward open and closed positions, comprising a first bracket 62 adapted to be mounted to a first work-piece, said first bracket comprising a generally tubular sleeve 106 and opposed spaced-apart surfaces including first openings (86, 88) that are aligned with each other; a second bracket 70 adapted to be mounted to a second work-piece, said second bracket comprising opposed spaced-apart surfaces including second openings (90, 92) that are aligned with each other; said first bracket and said second bracket being oriented with respect to each other effective to align said first openings with said second openings, a hinge pin 94 received in said first openings and said second openings effective to enable said first bracket to be pivotally movable relative to said second bracket, said tubular sleeve extending generally parallel with an axis of said hinge pin; a spring 110 having a serpentine geometry and a generally L-shape in a direction of said hinge pin axis when said spring is in a relatively stable state, said spring comprising first and second end portions, said first end portion being pivotally received in said sleeve and extending generally parallel with said hinge pin and said second end portion contacting said second bracket and extending generally parallel with said hinge pin, a center reference line extending transversely between said hinge axis and an axis of said second end portion of said spring, wherein when said first bracket is pivoted relative to said second bracket said first end portion of said spring disposed in said sleeve travels in a substantially arcuate path around said hinge pin axis between open and closed positions of the hinge, and movement of said hinge between said open and closed positions that locates said first end portion near said center line reduces a distance between said first end portion and said second end portion thereby generating a spring force that urges said first end portion away from said center line and said hinge toward one of said open and closed positions. See figure 5 regarding the door structure. The hinge can be used with a variety of device, including a tool box.

Claims 1-13 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.